

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ANDREW LANE HARLOW,

Plaintiff,

vs.

STATE OF MONTANA, HILL
COUNTY ATTORNEY'S OFFICE,
HON. JUDGE C. McKEON, and
DANIEL MINNIS,

Defendants.

CV 13-51-GF-DWM-RKS

ORDER

FILED

JUL 25 2013

Clerk, U.S. District Court
District Of Montana
Missoula

Andrew Harlow is a prisoner proceeding pro se and *in forma pauperis*. He sued the defendants, claiming that they violated his civil rights during his criminal proceedings in Hill County. Judge Strong recommends dismissing this case with prejudice.

Harlow had 14 days to file objections to Judge Strong's Findings and Recommendation. He did not do so. So the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court finds no clear error. For the reasons given in the Findings and Recommendation, the Court dismisses this case with prejudice. The State of

Montana, the Hill County Attorney's Office, and Judge McKeon are each entitled to immunity. Daniel Minnis is not a state actor against whom a claim under 42 U.S.C. § 1983 may be brought. Moreover, Harlow's claims are barred by the *Younger* and *Heck* doctrines. Harlow's claims are frivolous, and any appeal from this decision would not be taken in good faith.

IT IS ORDERED that the Findings and Recommendation (doc. 15) is adopted in full. This case is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this case and enter judgment in favor of the defendants.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter on the docket that this dismissal counts as a strike under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Clerk of Court shall enter on the docket that the Court certifies, under Federal Rule of Appellate Procedure 24(a)(3)(A), that any appeal of this decision would not be taken in good faith.

Dated this 25th day of July 2013.

A handwritten signature in black ink, appearing to read 'Donald W. Molloy', written over a horizontal line.

Donald W. Molloy, District Judge
United States District Court